

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2013

Bill Number: H.62 Name of Bill: Motor vehicles; portable electronic devices; adults; handheld use; prohibition

Agency/ Dept: Public Safety Author of Bill Review: SGT. Garry Scott

Date of Bill Review: 01/18/2013 Status of Bill: (check one):

☒ Upon Introduction ☐ As passed by 1st body ☐ As passed by both bodies ☐ Fiscal

Recommended Position:

☒ Support ☐ Oppose ☐ Remain Neutral ☐ Support with modifications identified in #8 below

Analysis of Bill

1. **Summary of bill and issue it addresses.** Title 23VSA 1095(a) currently relates to only Junior Operator use of a portable electronic device. This Bill would prohibit the use of an electronic device to all operators, unless the person engages in a hands-free use.

2. **Is there a need for this bill?** Distracted driving is a dangerous epidemic on America's roadways. In 2010 alone, over 3,000 people were killed in distracted driving crashes (NHTSA). Eighteen percent of injury crashes in 2010 were reported as distraction-affected crashes (NHTSA). Eleven percent of all drivers under the age of 20 involved in fatal crashes were reported as distracted at the time of the crash (NHTSA).

According to a study by Liberty Mutual in conjunction with SADD in Sept. 2012, Teens mirror parents' distracted driving habits. 66% of teens believe their parents follow different rules behind the wheel than are set for their younger drivers; 90% of teens report their parents speed and talk on a cellphone while driving. Teens repeat their parents' poor driving habits in nearly equal amounts.

A study by Penn Schoen Berland, commissioned by Ford in May 2012, advised 99% of drivers think they are good drivers even though 76% eat or drink behind the wheel, 55% speed, 53% talk on a handheld cellphone. Talking on a hand-held cellphone while driving is banned in ten states (California, Connecticut, Delaware, Maryland, Nevada, New Jersey, New York Oregon, Washington and West Virginia and the District of Columbia) (Insurance Institute for Highway Safety)
<http://www.vtnews.vt.edu/articles/2009/07/2009-571.html>

3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?**

There would likely be an increase in violations issued. This law would also make it easier for law enforcement to enforce and the existing texting law.

4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?**

There would be implementation and educational cost for DMV and Dept of Education and well as law enforcement, but costs should be minimal.

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More than 20,000 tickets were written in the year following July 12, 2011, Gov. Andrew Cuomo announced on the first anniversary of New York's tougher distracted driving laws. The public would need to be informed of the law change.

5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** When an operator is involved in a motor vehicle crash, **TAXPAYERS** often absorb the costs associated with it. In fact, 85% of all medical costs for crash victims fall on society, not individuals involved.

6. **Other Stakeholders:**

6.1 **Who else is likely to support the proposal and why?**

Advocates: NHTSA, Governor's Highway Safety Association, National Safety Council, the insurance industry, Transportation industry, law enforcement and the American Medical Association. All these groups support cellphone bans because of the implied reduction of motor vehicle crashes and potential loss of life and property.

6.2 **Who else is likely to oppose the proposal and why?**

There no known organized opponents of stricter cellphone laws.

7. **Rationale for recommendation:** The Vermont State Police recommends that no electronic devices be used while operating a motor vehicle. However, this law is a step in the right direction to improving driver safety. An operator engaging in the use of an electronic device is 23 times more likely to be involved in a motor vehicle crash. <http://www.vtnews.vt.edu/articles/2009/07/2009-571.html>

University of Utah psychologists have published a study showing that motorists who talk on handheld or hands-free cellular phones are as impaired as drunken drivers. <http://www.distraction.gov/research/PDF-Files/Driver-Distraction-Commercial-Vehicle-Operations.pdf> While hands-free devices decrease the manual distraction of a cellphone use, it should be noted that there are no differences regarding the cognitive distraction between handheld and hands-free devices. Driving while using a cellphone reduces the amount of brain activity associated with driving by 37% (Carnegie Mellon). Research indicates that the cognitive distraction of having a hands-free phone conversation causes drivers to miss the important visual and audio cues that would ordinarily help you avoid a crash.

8. **Specific modifications that would be needed to recommend support of this bill:** Supported as is, but important to point out that the safest recommendation is that no electronic devices are used in a motor vehicle during operation.
9. **Notes to consider:** California and New York's hands-free law has not reduced the number of crashes. A study shows no significant change in the number of motor vehicle accidents before the law took effect in 2008 and after. http://www.iihs.org/research/topics/pdf/HLDI_Cellphone_Bulletin_Dec09.pdf

Six States do not have any type of cellphone laws: Montana, Arizona, South Dakota, Hawaii, South Carolina and Florida. Texting is banned in 39 states.

Monash University (Australia) effects of texting and novice drivers.

<http://www.distraction.gov/research/PDF-Files/Effects-of-Text-Messaging.pdf>

Cellphone and texting laws

<http://www.iihs.org/laws/maphandheldcellbans.aspx>

Multiple studies on distracted driving

<http://www.psych.utah.edu/lab/appliedcognition/publications.html>

http://www.ghsa.org/html/stateinfo/laws/cellphone_laws.html

National Safety Council

http://www.nsc.org/safety_road/Distracted_Driving/Documents/State%20of%20the%20Nation.pdf

Secretary/Commissioner has reviewed this document: _____ **Date:** _____